

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

State Attorneys General Litigation

HON. CYNTHIA M. RUFÉ

ORDER

AND NOW, this 12th day of May 2022, upon consideration of the attached Joint Stipulation on the Resolution between Plaintiff Commonwealth of Pennsylvania and Defendants regarding the 12th Report and Recommendation, it is hereby **ORDERED** that the Joint Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
All Actions

MDL NO. 2724
16-MD-2724

HON. CYNTHIA M. RUFE

Civil Action No.
17-3768
19-2407
20-3539

**JOINT STIPULATION ON THE RESOLUTION BETWEEN PLAINTIFF
COMMONWEALTH OF PENNSYLVANIA AND DEFENDANTS REGARDING THE
12TH REPORT AND RECOMMENDATION**

WHEREAS, on April 12, 2022, Special Master David Marion issued his Twelfth Report and Recommendation as to the States' Motion for Protective Order (Re RFP 68) (ECF No. 2050) ("12th R&R");

WHEREAS, the Plaintiff Commonwealth of Pennsylvania and the Defendants have met and conferred to resolve the issues underlying the 12th R&R.

It is hereby stipulated and agreed that Pennsylvania will satisfy Defendants' Request for Production No. 68 by searching for and producing reports, analyses, or studies relating to the price or supply of generic pharmaceutical products that meet one or more of the following conditions:

- (1) Materials possessed and created by or for the Pennsylvania Office of the Attorney General;
- (2) Materials possessed and created by or for the Pennsylvania Department of Human Services (Medicaid, State Hospitals and Office of Children, Youth and Families);
- (3) Materials possessed and created by or for the Pennsylvania Department of Aging (PACE);
- (4) Materials possessed and created by or for the Pennsylvania Turnpike Commission;

- (5) Materials possessed and created by or for the Pennsylvania Department of Corrections; and
- (6) Materials possessed and received by the Pennsylvania Department of Human Services (Medicaid, State Hospitals and Office of Children, Youth and Families), the Pennsylvania Department of Aging (PACE), the Pennsylvania Turnpike Commission, and the Pennsylvania Department of Corrections from healthcare providers pursuant to state reporting requirements.

Pennsylvania's search for materials possessed by the Pennsylvania Office of Attorney General will be proportional to the likelihood that any particular section will have responsive materials and limited to non-criminal sections.

Defendants will refrain from moving to compel Pennsylvania to produce materials possessed, created by or for the Criminal Division of the Pennsylvania Office of Attorney General.

Pennsylvania has asked the Auditor General to voluntarily search for and produce reports, analyses, or studies relating to the price or supply of generic pharmaceutical products, and will attempt in good faith to facilitate the Auditor General's voluntary cooperation.

Pennsylvania will not search for or produce any responsive materials created by or for its General Assembly given its position that the Pennsylvania Office of Attorney General does not have possession, custody or control over documents of the General Assembly under the Commonwealth Attorneys Act and that the General Assembly is a separate branch of the government. Defendants will refrain from moving to compel Pennsylvania to produce materials responsive to RFP 68 that are solely in the possession of the Pennsylvania General Assembly.

This Stipulation resolves the States' Motion for Protective Order relating to RFP 68 as it applies to Pennsylvania and, with respect only to Pennsylvania, supersedes any order applicable to the Plaintiff States, generally, that might result from objections to the 12th R&R.

IT IS SO STIPULATED.

Dated: May 10, 2022

/s/ Tracy W. Wertz

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Respectfully submitted,

/s/ Chul Pak

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